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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,149	01/02/2002	Bob Janssen	DVME-1018US	9408
21302	7590	07/22/2005	EXAMINER	
KNOBLE, YOSHIDA & DUNLEAVY EIGHT PENN CENTER SUITE 1350, 1628 JOHN F KENNEDY BLVD PHILADELPHIA, PA 19103			SCUDERI, PHILIP S	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/040,149

Applicant(s)

JANSSEN ET AL.

Examiner

Philip S. Scuderi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 8 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to Applicant's amendment filed May 16<sup>th</sup>, 2005. Claims 1-19 are amended.

#### ***Specification***

2. Examiner has withdrawn the objections to the specification because Applicant's amendments have overcome the objections.

#### ***Claim Objections***

3. Examiner has withdrawn the claim objections because Applicant's amendments have overcome the objections.

#### ***Claim Rejections - 35 USC § 101***

4. Examiner has withdrawn the claim rejections under 35 USC § 101 because Applicant's amendments have overcome the rejections.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10 and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 10, lines 1-2 recite “means for selecting an application and means for providing input to the selected application or presenting output from the selected application on the client computer through the user interface”. It unclear which of the two conjunctions underlined above is the overriding operator.
8. Regarding claim 18, it is unclear what functions would constitute a server in a system according to claim 1.
9. Regarding claim 19, it is unclear what functions would constitute a client in a system according to claim 1.

***Response to Arguments***

10. Applicant's arguments with respect to the prior art not teaching, “controlling the locally run applications through the user interface provided by the server” have been fully considered and are persuasive. Therefore, the rejection(s) have been withdrawn. However, upon further consideration, new ground(s) of rejection has been made in view of Frese, II et al. (U.S. 5,909,545).

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Frese, II et al. (U.S. 5,909,545, hereinafter “Frese”).

13. Regarding claim 1, Frese teaches a server-based computing system, comprising at least one server [fig. 1 – 20] and at least one client computer [fig. 1 – 16], connected to the server through a network [fig. 1 – 14], wherein the server comprises means for providing the client computer with a user interface [col. 7 lines 36-41, a web page], wherein the client computer comprises an input device for providing input to an application through the user interface [col. 7 lines 13-16] and a display device [fig. 1 – 32] for presenting output from an application through the user interface [col. 7 lines 63-65], wherein the server comprises means for running the application [col. 8 lines 16-18], wherein the client computer comprises means for locally running at least one further application [col. 7 lines 38-41, an applet], wherein the system comprises means for controlling the locally run applications through the user interface provided by the server [col. 7 lines 38-41, the web page displays the applet].

14. Regarding claim 2, Frese teaches the system applied to claim 1, comprising means for controlling an application running on the server [col. 7 lines 63-65] and further applications, running locally, through the user interface [col. 7 lines 38-41, the web page displays the applet].

15. Regarding claim 3, Frese teaches the system applied to claim 1, wherein the user interface comprises means for initiating a locally run application [col. 7 lines 38-41].

16. Regarding claim 5, Frese teaches the system applied to claim 1, wherein the user interface comprises means for presenting an overview of applications running on the client computer [col. 7 lines 38-41, applet tags].

17. Regarding claim 6, Frese teaches the system applied to claim 2, comprising means for generating a merged local client screen for display on the display device [col. 8 lines 16-18 suggest that the applet (RDM) can run multiple applications and could therefore be considered a merged local client screen].

18. Regarding claim 7, Frese teaches the system applied to claim 6, comprising means for controlling the display of the merged local client screen on the display device [col. 6 lines 61-64].

19. Regarding claim 9, Frese teaches the system applied to claim 8, comprising means for automatically updating the local client screen, when changes occur in the screen area generated by the server [col. 6 lines 61-64].

20. Regarding claim 10, Frese teaches the system applied to claim 1, comprising presenting output from the selected application on the client computer through the user interface [col. 7 lines 63-65].

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21. Regarding claim 11, Frese teaches a method for providing a client computer with a user interface [col. 7 lines 36-41, a web page] for controlling at least one application that can be run locally on the client computer [col. 7 lines 13-23], which client computer is connected to a server through a network [fig. 1 - 14] and comprises a display device [fig. 1 - 32], an input device and means for running the application [col. 7 lines 13-16], wherein the user interface to at least the applications running locally on the client computer is provided by the server [col. 7 lines 38-41, the web page displays the applet].

22. Regarding claim 12, Frese teaches the method applied to claim 11, wherein a screen area is generated by the server and communicated to the client computer for display on the display device [col. 7 lines 38-41, the screen area used by the applet].

23. Regarding claim 16, Frese teaches the method applied to claim 11, wherein a command to change the local client screen is communicated from the client computer to the server [col. 7 lines 16-20], whereupon the local client screen is changed by the server [col. 7 lines 20-23].

24. Regarding claim 17, Frese teaches the method applied to claim 11, wherein a command to initiate the local running of an application on the client computer is sent to the server and wherein a command line for initiating the running of the application is generated by the server and sent to the client computer [col. 7 lines 63-65].

25. Regarding claim 18, Frese teaches the method applied to claim 1. RAS 20 inherently comprises a computer program stored on a computer readable medium. Frese does not expressly disclose that the computer program can be loaded onto a server connected through a network to a client computer, so that the server running the computer program constitutes a server in a system according to claim 1. Nonetheless, the phrase “can” renders the succeeding limitation(s) intended use. Clearly the program that runs RAS 20 “can” be made available for download and installation over a network.

26. Regarding claim 19, Frese teaches the method applied to claim 1. Browser 30 must inherently be stored on a computer readable medium. Frese does not expressly disclose that the computer program can be loaded onto a computer connected through a network to a server, so that the computer running the computer program constitutes a client computer in a system according to claim 1. Nonetheless, the phrase “can” renders the succeeding limitation(s) intended use. Clearly the Browser 30 “can” be made available for download and installation over a network.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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28. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frese in view of Virtual Network Computing (hereinafter "VNC").

29. Regarding claim 4, Frese teaches the system applied to claim 1, comprising means for presenting an overview of available applications installed on the client computer through the user interface [col. 7 lines 38-41, applet tags]. Frese does not expressly disclose presenting an overview of available applications installed on the server through the user interface. Nonetheless, providing a remote applet interface that presents an overview of available applications installed on a remote server was well known, as evidenced by VNC [figure on p. (1 of 1), network neighborhood, internet explorer, etc.]. Given the teachings of VNC it would have been obvious to one of ordinary skill in the art to presents an overview of available applications installed on the server, thereby enabling the user to select a program.

#### ***Allowable Subject Matter***

30. Claims 8 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

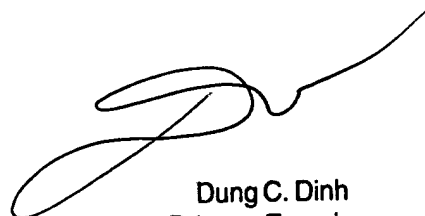
31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 8am-5pm.

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32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS



Dung C. Dinh  
Primary Examiner